



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

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SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

STEVEN L. BESHEAR
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VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY
REGARDING HOUSE BILL 3 OF THE
2010 FIRST EXTRAORDINARY SESSION

1. Transportation Cabinet Reporting

I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky State Constitution, do hereby veto the following part:

Page 2, lines 7 through 23, in their entirety.

I am vetoing this part because supplying this information in the great detail required by this provision is unprecedented and burdensome. This information is already provided in summary through the monthly reports the Transportation Cabinet provides to the legislative branch.

2. Transportation Cabinet Federal Aid

I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky State Constitution, do hereby veto the following part:

Page 6, line 17, after the period, delete the rest of the line.

Page 6, lines 18 through 19, in their entirety.

I am vetoing this part because it is more restrictive than, and in conflict with, section 22 in the same part of the bill.

3. Kentucky Pride Program – Highway Contingency Account

I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky State Constitution, do hereby veto the following part:

Page 7, line 10, after the period, delete the rest of the line.

Page 7, lines 11 through 12, in their entirety.

Page 7, line 16, after the period, delete the rest of the line.

Page 7, line 17, in its entirety.

Page 7, line 18, delete “224.43-505.”

I am vetoing this part because it mandates a change in the statutory funding structure of the Kentucky Pride fund without suspending the statute. This provision mandates that all \$5,000,000 in Road Fund support each fiscal year for the Kentucky Pride fund shall come from the Contingency Account. This veto retains the \$5,000,000 each year in funding for the Kentucky Pride fund from the Road Fund, but serves to accomplish this by returning to the statutory means of financing.

4. Highway Contingency Account

I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky State Constitution, do hereby veto the following part:

Page 7, line 22, after the period, delete the rest of the line.

Page 7, lines 23 through 24, in their entirety.

Page 7, line 25, beginning with the word “Study” and ending with the period.

I am vetoing this part because it imposes a mandate for the Secretary of the Transportation Cabinet to allocate funds from the Highway Contingency Account based on the mere receipt of information. The Secretary’s action in allocating any funds from the account first requires thorough review and appropriate accountability.

5. Industrial Road Access Account

I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky State Constitution, do hereby veto the following part:

Page 10, lines 1 through 5, in their entirety.

I am vetoing this part because decisions on industrial road access surfacing should be subject to the normal collaborative review process by the Economic Development and Transportation Cabinets.

6. Transportation Cabinet Capital Project

I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky State Constitution, do hereby veto the following part:

Page 16, lines 23 through 25, in their entirety.

I am vetoing this part because the funding is substantially insufficient to construct a maintenance and salt storage facility. The effect of this veto will return the funds back to the state construction account through the Road Fund surplus expenditure plan.

7. Transportation Cabinet Capital Project

I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky State Constitution, do hereby veto the following part:

Page 16, lines 26 through 27, in their entirety.

I am vetoing this part because the funding is substantially insufficient to construct a maintenance facility. The effect of this veto will return the funds back to the state construction account through the Road Fund surplus expenditure plan.

This the 4th day of June, 2010

A handwritten signature in black ink, appearing to read "Steve Beshear", written over a horizontal line.

Steven L. Beshear, Governor



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2010 EXTRAORDINARY SESSION

HOUSE BILL NO. 3

AS ENACTED

SATURDAY, MAY 29, 2010

AN ACT relating to appropriations providing financing and conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the fiscal year beginning July 1, 2010, and ending June 30, 2011, and for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the budget units of the Transportation Cabinet are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

A. TRANSPORTATION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND SUPPORT

	2010-11	2011-12
Restricted Funds	20,000	20,000
Road Fund	68,791,100	69,188,100
TOTAL	68,811,100	69,208,100

(1) **Biennial Highway Construction Plan:** The Secretary of the Transportation Cabinet is directed to produce a single document that contains two separately identified sections, as follows:

Section 1 shall detail the enacted fiscal biennium 2010-2012 Biennial Highway Construction Program and Section 2 shall detail the Highway Preconstruction Program

1 Plan for fiscal year 2010-2011 through fiscal year 2015-2016 as identified by the First
 2 Extraordinary Session of the 2010 General Assembly. This document shall mirror in data
 3 type and format the fiscal year 2008-2014 Recommended Six Year Road Plan as
 4 submitted to the 2008 General Assembly. The document shall be published and
 5 distributed to members of the General Assembly and the public within 60 days of
 6 adjournment of the 2010 First Extraordinary Session of the General Assembly.

7 The Secretary of the Transportation Cabinet shall report quarterly to the Interim
 8 Joint Committee on Transportation all projects included in the enacted Six Year Road
 9 Plan which have been delayed due to unforeseen circumstances. The report shall include:

- 10 (a) The county name;
- 11 (b) The Transportation Cabinet project identification number;
- 12 (c) The route where the project is located;
- 13 (d) The length of the project;
- 14 (e) A description of the project and the scope of improvement;
- 15 (f) The type of local, state, or federal funds to be used on the project;
- 16 (g) The stage of development for the design, right-of-way, utility, and
 17 construction phases;
- 18 (h) The fiscal year in which each phase of the project was scheduled to
 19 commence;
- 20 (i) The estimated cost for each phase of the project;
- 21 (j) A detailed description of the circumstances leading to the delay; and
- 22 (k) The same information required in paragraphs (a) to (i) of this subsection for
 23 the project or projects advanced with funds initially scheduled for the delayed project.

24 **(2) Debt Service:** Included in the above Road Fund appropriation is \$7,291,100
 25 in fiscal year 2010-2011 and \$7,301,200 in fiscal year 2011-2012 for debt service on
 26 previously authorized bonds for the new Transportation Cabinet office building and
 27 parking structure.

1 **(3) Adopt-A-Highway Litter Program:** The Transportation Cabinet and the
2 Energy and Environment Cabinet may receive, accept, and solicit grants, contributions of
3 money, property, labor, or other things of value from any governmental agency,
4 individual, nonprofit organization, or private business to be used for the Adopt-a-
5 Highway Litter Program or other statewide litter programs. Any contribution of this
6 nature shall be deemed to be a contribution to a state agency for a public purpose and
7 shall be treated as Restricted Funds under KRS Chapter 45 and reported according to
8 KRS Chapter 48, and shall not be subject to restrictions set forth under KRS Chapter
9 11A.

10 **(4) SAFE Patrol Program:** The Transportation Cabinet shall continue the SAFE
11 Patrol Program at the current service level. The primary mission of the Cabinet's SAFE
12 Patrol shall be motorist assistance. The SAFE Patrol shall be restricted to providing only
13 assistance services on interstates, parkways, and other limited-access highways.

14 **(5) Review of Contract Expenditures:** The Secretary of the Transportation
15 Cabinet shall maximize Road Fund resources through a review of the Transportation
16 Cabinet's contract expenditures. To achieve this maximization of Road Fund resources,
17 the Transportation Cabinet shall:

18 (a) Rebid or renegotiate contracts where current economic conditions have
19 reduced the cost of the services, goods, or commodities at issue;

20 (b) Review vendor performance to identify and control cost overruns and
21 underperformance of contractual terms, and maintain an updated list of such contracts;

22 (c) Monitor and document contract performance and oversight in a readily
23 reviewable format;

24 (d) Implement billing standards to allow meaningful auditing of personal service
25 contracts;

26 (e) Reduce legal services contracts by requiring utilization of in-house counsel;

27 (f) Reduce engineering services contracts by requiring utilization of in-house

1 engineering and planning, where feasible;

2 (g) Document cost overruns in all monitored information technology (IT)
3 contracts and develop written evaluations of their effectiveness; and

4 (h) Reduce sole source contracts to promote savings through the competitive
5 bidding process.

6 The Transportation Cabinet shall report to the Legislative Research Commission no
7 later than December 1, 2010, the maximization of Road Fund resources achieved through
8 the review of contract expenditures.

9 **2. AVIATION**

10		2010-11	2011-12
11	Restricted Funds	3,150,400	3,149,100
12	Federal Funds	15,000	15,000
13	Road Fund	2,280,100	2,865,900
14	TOTAL	5,445,500	6,030,000

15 **(1) Operational Costs:** Notwithstanding KRS 183.525(5), the above Restricted
16 Funds appropriation includes operational costs of the program in each fiscal year.

17 **(2) Debt Service:** Included in the above Road Fund appropriation is \$994,800 in
18 fiscal year 2010-2011 and \$996,000 in fiscal year 2011-2012 for debt service on
19 previously issued bonds. Notwithstanding KRS 183.525, \$994,800 in fiscal year 2010-
20 2011 and \$996,000 in fiscal year 2011-2012 is transferred to the Road Fund from the
21 Kentucky Aviation Economic Development Fund to support debt service on those bonds.

22 **(3) Aviation Development Debt Service:** Included in the above Road Fund
23 appropriation is \$296,500 in fiscal year 2010-2011 and \$848,500 in fiscal year 2011-2012
24 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget,
25 of this Act.

26 **3. DEBT SERVICE**

27		2010-11	2011-12
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1	Road Fund	74,747,000	116,904,800
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(1) **Economic Development Road Lease-Rental Payments:** Included in the above Road Fund appropriation is \$71,602,000 in fiscal year 2010-2011 and \$88,537,800 in fiscal year 2011-2012 for Economic Development Road lease-rental payments relating to projects financed by Economic Development Road Revenue Bonds previously authorized by the General Assembly and issued by the Kentucky Turnpike Authority.

7 **(2) Economic Development Road Bond Debt Service:** (a) Included in the above
8 Road Fund appropriation is \$3,145,000 in fiscal year 2010-2011 and \$6,289,000 in fiscal
9 year 2011-2012 for Economic Development Road lease-rental payments to the Kentucky
10 Turnpike Authority relating to projects financed by \$56,000,000 in new Economic
11 Development Road Revenue Bonds in fiscal year 2010-2011 to support projects related to
12 the Base Realignment and Closure (BRAC) activities in and around Fort Knox.

(b) Included in the above Road Fund appropriation is \$2,712,000 in fiscal year 2011-2012 for Economic Development Road lease-rental payments to the Kentucky Turnpike Authority relating to projects financed by \$56,000,000 in new Economic Development Road Revenue Bonds in fiscal year 2011-2012 to support road projects related to the Base Realignment and Closure (BRAC) activities in and around Fort Knox.

18 **(3) Economic Development Road Bond Debt Service:** Included in the above
19 Road Fund appropriation is \$19,366,000 in fiscal year 2011-2012 for Economic
20 Development Road lease-rental payments to the Kentucky Turnpike Authority relating to
21 projects financed by \$400,000,000 in new Economic Development Road Revenue Bonds
22 in fiscal year 2011-2012 to support projects in the Biennial Highway Construction Plan.

23 **(4) Excess Lease-Rental Payments:** Any moneys not required to meet lease-
24 rental payments or to meet the administrative costs of the Kentucky Turnpike Authority
25 shall be transferred to the State Construction Account.

26 **(5) Debt Payment Acceleration Fund Account:** Notwithstanding KRS 175.505,
27 no portion of the revenues to the state Road Fund provided by the adjustments in KRS

138.220(2), excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment Acceleration Fund account during the 2010-2012 fiscal biennium.

4. HIGHWAYS

	2010-11	2011-12
General Fund	282,000	564,000
Restricted Funds	211,230,800	515,230,800
Federal Funds	672,683,000	672,700,400
Road Fund	715,944,200	735,682,600
Highway Bond	56,000,000	356,000,000
TOTAL	1,656,140,000	2,280,177,800

(1) Debt Service: Included in the above Federal Funds appropriation is \$68,645,900 in fiscal year 2010-2011 and \$68,609,500 in fiscal year 2011-2012 for debt service on Grant Anticipation Revenue Vehicle (GARVEE) Bonds previously appropriated by the General Assembly.

(2) Federally Supported Construction Program: Included in the above Federal Funds appropriation is \$581,351,100 in fiscal year 2010-2011 and \$545,644,900 in fiscal year 2011-2012 for federal construction projects. All Federal Aid Highway moneys made available to Kentucky by the United States Congress shall be spent according to the 2010-2012 Biennial Highway Construction Plan.

(3) State Supported Construction Program: Included in the above Road Fund appropriation is \$304,672,600 in fiscal year 2010-2011 and \$323,799,800 in fiscal year 2011-2012 for the State Supported Construction Program. All State Supported Construction funds shall be spent according to the Six Year Road Plans set out in 2009 Ky. Acts ch. 9, 2009 Ky. Acts ch. 85, and as enacted in 2010 First Extraordinary Session HB 4. Projects in those plans with the "SPB" and "SB2" designations are projects to be completed with Highway Bonds authorized in 2009 Ky. Acts ch. 9 and 2010 First Extraordinary Session HB 3. Projects with the "SPB" and "SB2" designations that cannot

1 be completed due to insufficient bond funds shall be given "SPP" funding priority.
2 Projects with an "SPP" designation are state high priority projects and shall be given
3 priority over other state projects with an "SP" funding designation.

4 **(4) State Resurfacing Program:** Included in the State Supported Construction
5 Program is \$97,000,000 in fiscal year 2010-2011 and \$97,000,000 in fiscal year 2011-
6 2012 from the Road Fund for the State Resurfacing Program.

7 **(5) Biennial Highway Construction Program:** Included in the State Supported
8 Construction Program is \$176,672,600 in fiscal year 2010-2011 and \$195,799,800 in
9 fiscal year 2011-2012 from the Road Fund for state construction projects in the fiscal
10 biennium 2010-2012 Biennial Highway Construction Program. No funds to support the
11 Kentucky Pride Fund are included in the Biennial Highway Construction Program
12 appropriation.

13 **(6) Highway Construction Contingency Account:** Included in the State
14 Supported Construction Program is \$31,000,000 in fiscal year 2010-2011 and
15 \$31,000,000 in fiscal year 2011-2012 for the Highway Construction Contingency
16 Account. Included in the Highway Construction Contingency Account appropriation is
17 \$5,000,000 in each fiscal year to support the Kentucky Pride Fund created in KRS
18 224.43-505. Also included in the Highway Construction Contingency Account
19 appropriation is up to \$350,000 in dollar-for-dollar matching funds in fiscal year 2010-
20 2011 for the Northern Kentucky Port Authority for the Ohio River Bank Stabilization
21 Study and up to \$2,000,000 in dollar-for-dollar matching funds in fiscal year 2010-2011
22 and fiscal year 2011-2012 for the Shortline Railroad Assistance Fund. On receipt of
23 documentation of the matching funds, the Secretary shall transfer an amount equal to the
24 matching funds not to exceed the appropriations for the Ohio River Bank Stabilization
25 Study and the Shortline Railroad Assistance Fund. Also included in the Highway
26 Construction Contingency Account is \$260,000 in fiscal year 2010-2011 for
27 transportation enhancements for the Farnsely-Moreman Landing/Aydelotte project and

1 \$2,000,000 in fiscal year 2010-2011 and \$2,000,000 in fiscal year 2011-2012 for the 21st
 2 Century Parks Project. Also included in the Highway Construction Contingency Account
 3 is \$20,000 in fiscal year 2010-2011 for the Violet Road Sidewalk Repair, \$100,000 in
 4 fiscal year 2010-2011 for the Lincoln River Greenway Walking Trail in the City of
 5 Covington, and \$500,000 in fiscal year 2010-2011 for Providence-Webster County
 6 Airport improvements.

7 **(7) Economic Development Road Bonds:** Included in the above Highway Bonds
 8 appropriation is \$56,000,000 in fiscal year 2010-2011 and \$56,000,000 in fiscal year
 9 2011-2012 for new Economic Development Road Bonds to support projects related to the
 10 Base Realignment and Closure (BRAC) activities in and around Fort Knox.

11 **(8) Economic Development Road Bonds:** Included in the above Highway Bonds
 12 appropriation is \$400,000,000 in fiscal year 2011-2012 for new Economic Development
 13 Road Bonds to support projects in the Biennial Highway Construction Plan.

14 **(9) 2010-2012 Biennial Highway Construction Plan:** Projects in the enacted
 15 2008-2010 Biennial Highway Construction Plan are authorized to continue their current
 16 authorization into the 2010-2012 fiscal biennium.

17 **(10) Kentucky Transportation Center:** Notwithstanding KRS 177.320(4),
 18 included in the above Road Fund appropriation is \$290,000 in fiscal year 2010-2011 and
 19 \$290,000 in fiscal year 2011-2012 for the Kentucky Transportation Center.

20 **(11) New Highway Equipment Purchases:** Notwithstanding KRS 48.710(3),
 21 included in the above Restricted Funds appropriation is \$1,500,000 in fiscal year 2010-
 22 2011 and \$1,500,000 in fiscal year 2011-2012 from the sale of surplus equipment to
 23 purchase new highway equipment.

24 **(12) State Match Provisions:** The Transportation Cabinet is authorized to utilize
 25 state construction moneys or Toll Credits to match federal highway moneys.

26 **(13) Road Fund Cash Management:** The Secretary of the Transportation Cabinet
 27 is authorized to continue the Cash Management Plan to address the policy of the General

1 Assembly to expeditiously initiate and complete projects in the fiscal biennium 2010-
 2 2012 Biennial Highway Construction Plan. Notwithstanding KRS Chapter 45,
 3 specifically including KRS 45.242 and 45.244, the Secretary may concurrently advance
 4 projects in the Biennial Highway Construction Plan by employing management
 5 techniques that maximize the Cabinet's ability to contract for and effectively administer
 6 the project work. Under the approved Cash Management Plan, the Secretary is directed to
 7 continuously ensure that the unspent project and Road Fund balances available to the
 8 Transportation Cabinet are sufficient to meet expenditures consistent with appropriations
 9 provided.

10 **(14) Carry Forward of Appropriation Balances:** Notwithstanding KRS 45.229,
 11 unexpended Road Fund appropriations in the Highways budget unit for the Construction
 12 program, the Maintenance program, and the Research program in fiscal year 2009-2010
 13 and in fiscal year 2010-2011 shall not lapse but shall carry forward. Unexpended Federal
 14 Funds and Restricted Funds appropriations in the Highways budget unit for the
 15 Construction program, the Maintenance program, the Equipment Services program, and
 16 the Research program in fiscal year 2009-2010 and in fiscal year 2010-2011, up to the
 17 amount of ending cash balances and unissued Highway Bond Funds and grant balances
 18 shall not lapse but shall carry forward.

19 **(15) Wetland Restoration Debt Service:** Included in the above General Fund
 20 appropriation is \$282,000 in fiscal year 2010-2011 and \$564,000 in fiscal year 2011-2012
 21 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget,
 22 of this Act.

23 **(16) Highways Maintenance:** Included in the above Highways Road Fund
 24 appropriation is \$323,212,500 in fiscal year 2010-2011 and \$323,212,500 in fiscal year
 25 2011-2012 for Highways Maintenance. Highways Maintenance positions may be filled to
 26 the extent the above funding level and the Highways Maintenance continuing
 27 appropriation are sufficient to support those positions.

1 **(17) Industrial Road Access Account:** The Secretary of the Transportation
 2 Cabinet and the Secretary of the Economic Development Cabinet shall provide \$500,000
 3 from the Industrial Road Access Account in fiscal year 2010-2011 for the Woodland
 4 Industrial Park Access Road in Montgomery County to provide surfacing for an
 5 alternative safety route.

6 **(18) Grant Anticipation Revenue Vehicle (GARVEE) Bonds:** Included in the
 7 above Restricted Funds appropriation is \$330,000,000 in fiscal year 2011-2012 for
 8 GARVEE Bond Funds to be issued for the US-68/KY-80 Lake Barkley and Kentucky
 9 Lake Bridges Project and \$105,000,000 in fiscal year 2011-2012 for GARVEE Bond
 10 Funds to be issued for the Louisville-Southern Indiana Ohio River Bridges Project.

11 **(19) New Grant Anticipation Revenue Vehicle (GARVEE) Debt Service:**
 12 Included in the above Federal Funds appropriation is \$20,627,000 in fiscal year 2011-
 13 2012 for GARVEE Bonds debt service payments relating to the US-68/KY-80 Lake
 14 Barkley and Kentucky Lake Bridge projects financed by \$330,000,000 in GARVEE
 15 Bonds and \$15,133,000 in fiscal year 2011-2012 for GARVEE Bonds debt service
 16 payments relating to the Louisville-Southern Indiana Ohio River Bridges Project.

17 **(20) Interlocal Cooperative Agreement:** Any local government may be permitted
 18 to enter into an interlocal cooperative agreement with the Transportation Cabinet to
 19 maintain traffic control devices on state-maintained roads within the local government's
 20 jurisdiction and shall be reimbursed by the Transportation Cabinet for the contracted cost
 21 of such maintenance. The agreement may permit local governments to make temporary
 22 repairs to state-maintained road surfaces within the local government's jurisdiction and
 23 shall be reimbursed by the Transportation Cabinet for the contracted cost of the
 24 temporary repairs. The Transportation Cabinet shall report all interlocal cooperative
 25 agreements entered into under this subsection to the Interim Joint Committee on
 26 Transportation within seven days of the agreement being finalized. The report shall
 27 include the local government requesting the assistance from the Cabinet, the scope and

1 estimated cost of the service or repair, and the reasons for the necessity of the agreement.

2 **(21) Crittenden County Property:** Whereas the existing real property in
3 Crittenden County located at 110 Old Salem Road has become unsuitable for public use
4 as a Transportation Cabinet maintenance facility due to its age, and whereas this property
5 would be more suitable for use by the Crittenden County Board of Education as it is
6 adjacent to the Crittenden County High School, the General Assembly authorizes the
7 exchange of this property with the Crittenden County Industrial Authority property in
8 Industrial Park North. Upon conveyance of title to sufficient property to the
9 Transportation Cabinet by the Crittenden County Industrial Authority, the Transportation
10 Cabinet shall construct a new maintenance facility and all necessary adjacent facilities.
11 Upon completion and occupation of the new maintenance facility and approval required
12 by KRS 45A.045, the Commonwealth shall convey title to the existing maintenance
13 facility property to the Crittenden County Board of Education.

14 **(22) Federal Aid Highway Moneys:** If additional federal highway moneys are
15 made available to Kentucky by the United States Congress, the funds shall be used
16 according to the following priority: (a) Any demonstration-specific or project-specific
17 money shall be used on the project identified; and (b) All other funds shall be used to
18 ensure that projects in the 2010-2012 Biennial Highway Construction Plan are funded. If
19 additional federal moneys remain after these priorities are met, the Transportation
20 Cabinet may select projects from 2009 Ky. Acts ch. 85.

21 **(23) Hart and Larue Counties Concrete Barrier:** The Transportation Cabinet is
22 authorized to pursue a project to place a concrete barrier wall along the inside shoulder of
23 I-65 in Hart and Larue Counties to serve as a crash protection device to prevent cross-
24 median incidents.

25 **(24) Reauthorization:** Notwithstanding any statute to the contrary, 2009 Ky.
26 Acts ch. 85 is hereby reauthorized in its entirety. If any project is contained in both 2009
27 Ky. Acts ch. 85 and 2010 First Extraordinary Session HB 4, the project detail in 2010

1 First Extraordinary Session HB 4 shall override the project detail in 2009 Ky. Acts ch. 85.

2 **5. JUDGMENTS**

3 **(1) Payment of Judgments:** Road Fund resources required to pay judgments
4 shall be transferred from the State Construction Account at the time when actual
5 payments must be disbursed from the State Treasury.

6 **6. PUBLIC TRANSPORTATION**

7		2010-11	2011-12
8	General Fund	4,574,600	4,528,800
9	Restricted Funds	440,000	440,000
10	Federal Funds	44,546,000	44,546,000
11	TOTAL	49,560,600	49,514,800

12 **(1) Toll Credits:** The Transportation Cabinet is authorized to maximize to the
13 extent necessary the use of Toll Credits to match Federal Funds for transit systems capital
14 grants.

15 **(2) Nonpublic School Transportation:** Included in the above General Fund
16 appropriation is \$2,955,000 in fiscal year 2010-2011 and \$2,925,400 in fiscal year 2011-
17 2012 for nonpublic school transportation.

18 **7. REVENUE SHARING**

19		2010-11	2011-12
20	Road Fund	297,074,700	312,423,900

21 **(1) County Road Aid Program:** Included in the above Road Fund appropriation
22 is \$112,177,600 in fiscal year 2010-2011 and \$117,997,000 in fiscal year 2011-2012 for
23 the County Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and
24 179.440. Notwithstanding KRS 177.320(2), the above amounts have been reduced by
25 \$38,000 in fiscal year 2010-2011 and \$38,000 in fiscal year 2011-2012, which has been
26 appropriated to the Highways budget unit for the support of the Kentucky Transportation
27 Center.

(2) **Rural Secondary Program:** Included in the above Road Fund appropriation is \$136,084,400 in fiscal year 2010-2011 and \$143,144,000 in fiscal year 2011-2012 for the Rural Secondary Program in accordance with KRS 177.320, 177.330, 177.340, 177.350, and 177.360. Notwithstanding KRS 177.320(1), the above amounts have been reduced by \$46,000 in fiscal year 2010-2011 and \$46,000 in fiscal year 2011-2012, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(3) **Municipal Road Aid Program:** Included in the above Road Fund appropriation is \$47,200,400 in fiscal year 2010-2011 and \$49,649,000 in fiscal year 2011-2012 for the Municipal Road Aid Program in accordance with KRS 177.365, 177.366, and 177.369. Notwithstanding KRS 177.365(1), the above amounts have been reduced by \$16,000 in fiscal year 2010-2011 and \$16,000 in fiscal year 2011-2012, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(4) **Energy Recovery Road Fund:** Included in the above Road Fund appropriation is \$903,000 in fiscal year 2010-2011 and \$903,000 in fiscal year 2011-2012 for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.9772, 177.978, 177.979, and 177.981.

8. VEHICLE REGULATION

	2010-11	2011-12
Restricted Funds	12,597,700	12,624,100
Federal Funds	1,050,000	1,050,000
Road Fund	22,648,200	22,889,200
TOTAL	36,295,900	36,563,300

(1) **Debt Service:** Included in the above Road Fund appropriation is \$3,144,900 in fiscal year 2010-2011 and \$3,145,400 in fiscal year 2011-2012 for debt service on previously authorized bonds for the AVIS Replacement project.

1 TOTAL - TRANSPORTATION CABINET

2	2010-11	2011-12
3 General Fund	4,856,600	5,092,800
4 Restricted Funds	227,438,900	531,464,000
5 Federal Funds	718,294,000	718,311,400
6 Road Fund	1,181,485,300	1,259,954,500
7 Highway Bond	56,000,000	356,000,000
8 TOTAL	2,188,074,800	2,870,822,700

9 PART II**10 CAPITAL PROJECTS BUDGET****11 (1) Capital Construction Fund Appropriations and Reauthorizations:**

12 Moneys in the Capital Construction Fund are appropriated for the following capital
 13 projects subject to the conditions and procedures in this Act. Items listed without
 14 appropriated amounts are previously authorized for which no additional amount is
 15 required. These items are listed in order to continue their current authorization into the
 16 2010-2012 fiscal biennium. Unless otherwise specified, reauthorized projects shall
 17 conform to the original authorization enacted by the General Assembly.

18 (2) Expiration of Existing Line-Item Capital Construction Projects: All

19 appropriations to existing line-item capital construction projects expire on June 30, 2010,
 20 unless reauthorized in this Act with the following exceptions: (a) A construction contract
 21 for the project shall have been awarded by June 30, 2010; (b) Permanent financing or a
 22 short-term line of credit sufficient to cover the total authorized project scope shall have
 23 been obtained in the case of projects authorized for bonds, provided that the authorized
 24 project completes an initial draw on the line of credit within the biennium immediately
 25 subsequent to the original authorization; and (c) Grant or loan agreements, if applicable,
 26 shall have been finalized and properly signed by all necessary parties. Notwithstanding
 27 the criteria set forth in this subsection, the disposition of 2008-2010 fiscal biennium

nonstatutory appropriated maintenance pools funded from Capital Construction Investment Income shall remain subject to the provisions of KRS 45.770(5)(c).

(3) Bond Proceeds Investment Income: Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project shall be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations.

(4) Payments for Wetland Restoration: Obligations due from the Department of Highways from state funds for fees to the fund established by KRS 150.255(3) shall be deposited into an Other Special Revenue Fund established within the Transportation Cabinet. Payments in satisfaction of these obligations shall be made from the capital project appropriation in Part II, 1., 002. of this Act.

Budget Units	2010-11	2011-12
1. GENERAL ADMINISTRATION AND SUPPORT		
001. Aviation Development Projects		
Bond Funds	5,250,000	5,250,000
002. Wetland Restoration - 2010-2012		
Bond Funds	5,000,000	-0-
003. Purchase TRNS*PORT Upgrade		
Road Fund	3,000,000	-0-
004. Building and Site Renovation and Repair - 2010-2012		
Road Fund	1,200,000	1,350,000
005. Repair Loadometer and Rest Areas - 2010-2012		
Road Fund	900,000	600,000
006. Transportation Enterprise Data Warehouse		
Road Fund	1,500,000	-0-
007. Various Environmental Compliance - 2010-2012		

1	Road Fund	750,000	750,000
2	008. Construct Crittenden County Maintenance Facility and Salt		
3	Storage Structure		
4	Road Fund	260,000	1,080,000
5	009. Aircraft Maintenance Pool - 2010-2012		
6	Investment Income	500,000	500,000
7	010. Water and Wastewater - 2010-2012		
8	Road Fund	495,000	235,000
9	011. Replace and Repair Overhead Doors - 2010-2012		
10	Road Fund	325,000	335,000
11	012. Purchase PONTIS Upgrade		
12	Road Fund	600,000	-0-
13	013. Videologging Roadway Feature System		
14	Federal Funds	480,000	-0-
15	Road Fund	120,000	-0-
16	TOTAL	600,000	-0-
17	014. Salt Storage Facility and Ancillary Building Maintenance		
18	and Repair - 2010-2012		
19	Road Fund	300,000	300,000
20	015. Construct Larue County Maintenance Facility and Salt Storage		
21	Structure - Additional Reauthorization		
22	Road Fund	430,000	-0-
23	016. Construct Knott County Maintenance Facility and Salt Storage		
24	Structure		
25	Road Fund	245,000	-0-
26	017. Construct Shelby County Maintenance Facility		
27	Road Fund	200,000	-0-

018. Construct Spencer County Maintenance Facility and Salt Storage

Structure - Additional Reauthorization

Road Fund	245,000	-0-
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019. Road Maintenance Parks Reauthorization (\$3,000,000 Road Fund)

020. Building Renovations and Emergency Repairs Reauthorization
(\$1,200,000 Road Fund)

021. HVAC Maintenance and Repairs Reauthorization (\$800,000 Road Fund)

022. Repair Salt Storage Structures Reauthorization (\$300,000 Road Fund)

023. Painting and Roof Repair or Replacement Reauthorization
(\$400,000 Road Fund)

024. Various Environmental Compliance Reauthorization (\$1,000,000 Road Fund)

025. Kentucky Horse Park Roads and Pedways - FEI Games
Reauthorization (\$10,300,000 Road Fund)

026. Repair Loadometer and Rest Areas Reauthorization (\$1,500,000 Road Fund)

027. Replace Overhead Doors and Emergency Repairs Reauthorization
(\$400,000 Road Fund)

PART III

FUNDS TRANSFER

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2009-

1 2010, fiscal year 2010-2011, and fiscal year 2011-2012:

2 **2009-10** **2010-11** **2011-12**

3 **1. Aviation**

4 Agency Revenue Fund 2,145,900 468,000 468,000
5 (KRS 183.525(4) and (5))

6 **2. Aviation**

7 Agency Revenue Fund -0- 5,250,000 5,250,000
8 (KRS 183.525(4) and (5))

9 Capital appropriations in the amount of \$5,250,000 in fiscal year 2010-2011 and
10 \$5,250,000 in fiscal year 2011-2012 from bond funds will be used to replace this transfer
11 of funds to the General Fund.

12 **3. Highways**

13 Other Special Revenue Fund -0- 5,000,000 -0-

14 The amount of funds transfer shall be limited to the deposits made by the
15 Department of Highways to an Other Special Revenue Fund which shall be established by
16 the Transportation Cabinet for fees due to the fund established by KRS 150.255(3). In the
17 event that the amount of the funds transfer made in fiscal year 2010-2011 is less than the
18 full amount authorized, funds transfers may be made in fiscal year 2011-2012 up to the
19 maximum biennial total of \$5,000,000.

20 **4. Vehicle Regulation**

21 Agency Revenue Fund -0- 3,300,000 3,300,000
22 (KRS 186.040(6)(a))

23 **5. Vehicle Regulation**

24 Agency Revenue Fund 453,000 -0- -0-
25 (KRS 186.040(6)(b))

26 TOTAL - FUNDS TRANSFER 2,598,900 14,018,000 9,018,000

27 **PART IV**

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TOTALS**TRANSPORTATION CABINET BUDGET SUMMARY****OPERATING BUDGET**

	2009-10	2010-11	2011-12
General Fund	-0-	4,856,600	5,092,800
Restricted Funds	-0-	227,438,900	531,464,000
Federal Funds	-0-	718,294,000	718,311,400
Road Fund	-0-	1,181,485,300	1,259,954,500
Highway Bond	-0-	56,000,000	356,000,000
SUBTOTAL	-0-	2,188,074,800	2,870,822,700

CAPITAL PROJECTS BUDGET

	2009-10	2010-11	2011-12
Federal Funds	-0-	480,000	-0-
Road Fund	-0-	10,570,000	4,650,000
Bond Funds	-0-	10,250,000	5,250,000
Investment Income	-0-	500,000	500,000
SUBTOTAL	-0-	21,800,000	10,400,000

TOTAL - TRANSPORTATION CABINET BUDGET

	2009-10	2010-11	2011-12
General Fund	-0-	4,856,600	5,092,800
Restricted Funds	-0-	227,438,900	531,464,000
Federal Funds	-0-	718,774,000	718,311,400
Road Fund	-0-	1,192,055,300	1,264,604,500
Highway Bond	-0-	56,000,000	356,000,000
Bond Funds	-0-	10,250,000	5,250,000
Investment Income	-0-	500,000	500,000
TOTAL FUNDS	-0-	2,209,874,800	2,881,222,700

PART V

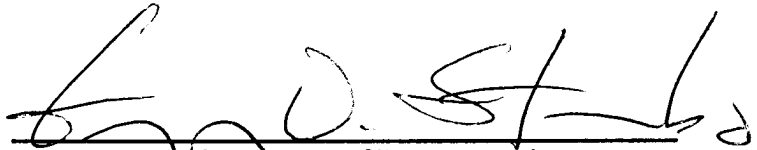
The provisions of 2010 First Extraordinary Session HB 1/EN are amended to read as follows:

On page 43, line 9, delete "2,894,186,800" and insert "2,900,145,100" in lieu thereof;

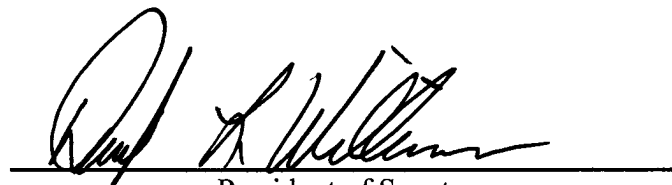
Adjust subsequent subtotals and totals accordingly;

On page 255, line 24, delete "8,572,340,000" and insert "8,570,940,000" in lieu thereof; and

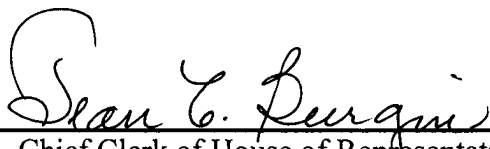
On page 255, line 24, delete "8,873,697,500" and insert "8,871,197,500" in lieu thereof.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved _____
Governor

Date _____